

§ 2-113. Motions for rehearing.

(A) Time. A motion for rehearing and brief in support must be filed within 10 days after the release of the opinion of the court or the entry of the order of the court disposing of the appeal. A motion for rehearing is not permitted following an order of the Supreme Court denying a petition for further review. A motion for rehearing which is timely filed in the Court of Appeals shall toll the time for filing a petition for further review. See § 2-102(F). An original and one copy of said motion for rehearing and brief in support are required to be filed in Supreme Court and Court of Appeals cases. An extension of time to file the brief in support of the motion for rehearing may be requested by following the procedure set out in § 2-106, except that every request must be accompanied by a showing of good cause.

(B) Form of Motion. The motion for rehearing shall be typewritten on 8½- by 11-inch paper, shall be double- or 1½-spaced, and shall use 12-point type.

(C) Contents of Motion. The motion for rehearing need only notify the court that the party filing the motion asks for a rehearing.

(D) Contents of Brief. The brief in support of the motion for rehearing shall contain the following divisions, in the order indicated:

- (1) tables;
- (2) assignments of error;
- (3) propositions of law; and
- (4) argument.

The assignments of error shall be set out in separate, numbered paragraphs, pointing out specifically any claimed mistakes or inaccuracies in statements of fact or law in the opinion, and any questions involved which the court is claimed to have failed to consider on the appeal.

(E) Form of Brief. The brief in support of the motion for rehearing shall be in the same form as provided for all briefs in § 2-109(B). Briefs in response to the motion for rehearing shall generally follow the form of the brief in support of the motion for rehearing.

(F) Response. Parties to the case not filing a motion for rehearing may respond to the motion for rehearing and brief in support of the motion within 10 days after the motion for rehearing is filed. If no response will be filed, parties may notify the Clerk of the Supreme Court in writing, and the motion will be submitted immediately.

(G) Filing and Service. Motions for rehearing shall be filed and served as provided in § 2-109(B)(6) and (7).

(H) Submission. Oral argument is not permitted on a motion for rehearing. All motions for rehearing will be submitted 11 days after the motion for rehearing is filed or the due date of the response has expired, whichever occurs first, except as provided in § 2-113(F).

(I) Mandate. The mandate will not issue until the motion for rehearing has been acted upon, if briefs have been filed, or until the date for filing briefs in support of the motion for rehearing has passed.

(J) Penalty for Delay. Any party filing a motion for rehearing who does not file the briefs in support of the motion for rehearing by the due date may be assessed all costs of the action.

(K) Original Actions. This rule shall apply to original actions.

(L) Briefs on Reargument. Either party may file additional briefs when reargument is ordered by the court. An original and one copy of each brief so prepared and served, together with proof of service, shall be filed in the Supreme Court Clerk's office not less than 1 week before the case is submitted. These briefs will be taxed as costs only if the court ordered the filing of the briefs.

Rule 13 amended May 28, 1992; Rule 13(G) amended October 17, 1995; Rule 13(A) amended May 29, 1997; Rule 13(A) amended September 23, 1998; Rule 13(A) amended December 15, 1999; Rule 13(B) amended March 22, 2006. Renumbered and codified as § 2-113, effective July 18, 2008; § 2-113(K) amended November 10, 2010; §§ 2-113(A), (G), and (L) amended June 6, 2012.
